

Art Unit: 2191

***Detail Action***

1. This office action is in response to amendment filed on 4/27/2009.
2. Per Applicant's request, claims 1-11, 13-18, and 22-35 have been amended.
3. The 35 U.S.C §112 first paragraph rejections of claims 1-11, 13-17, 22-30, and 33-35 have been withdrawn in view of the Applicant's amendment to the claims.
4. Claims 1-11, 13-18, and 22-35 are pending.

***Priority***

5. The priority date considered for this application is 5/16/2003.

***Allowable Subject Matter***

6. Claims 3, 4, 18, 31 and 32 would be allowable if the rejections or objections in this office can be overcome. Claims 3, 4, 31, and 32 are objected due to the rejected base claims.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-11, 13-17, and 22-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had

Art Unit: 2191

possession of the claimed invention. Claim 1 recites the limitation of " a computer system converting an installation program usable to install a software application on a target processing system from a first format to a second format, wherein the first format does not permit streaming of the software application, and wherein the second format permits streaming of the software application ". It appears that the first format and the second format are related to permitting (or not permitting) streaming of the installation program, not the software application. The software application is only available after the installation program being installed on the target processing system. Specification, [0002] (Field of The invention), discloses "...for packaging and streaming an installation program..." clearly indicates the invention is about streaming an installation program. Claim 8 recites, for example, the limitation of "the client computer system causing portions of the software application to be downloaded from the server to the client computer system" appears to suffer the same deficiency of claim 1 for the similar reason. What is being downloaded is the installation program, not the software application. Software application is only available after the installation program is installed. Claim 10, 14, 22 and 34, suffer essentially the same deficiency. Claim 18 recites the limitation of "nullifying all of the other files" in "a special header and nullifying all of the other files". Upon reviewing the Applicant's specification, specifically, [0043], "...the rest of the is nullified...", appears to disclose nullifying one file in question not all the other files. Dependent claims of the above claims suffer the same deficiency.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2191

8. Claims 3, 4, 7, 18, 31 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation of "the dummy installation" in "wherein the dummy installation includes one or more dummy files". There is insufficient antecedent basis for this limitation in the claim.

Claims 18 recites the limitation "the set of archive files" in "including a set or more archive files, the set of archive files". There is insufficient antecedent basis for this limitation in the claim.

Dependent claims of the above claims suffer the same deficiency.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-2, 5-11, 13-17, and 22-30, 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holler et al. (herein Holler, PGPub. No. 2003/0004882) in view of Yeung et al. (Herein Yeung, US PGPub. No. 2003/0078959).

As per claims 1,

Holler discloses

Art Unit: 2191

- a computer system converting a program from a first format to a second format, wherein the first format does not permit streaming of the program, and wherein the second format permits streaming of the program ([0080], "...the application is converted into a form suitable for streaming...") and the computer system streaming the converted program to the target processing system over a network, wherein said streaming causes the converted program to configure the target processing system for execution of the program ([0081], "Components of the invention are installed on the client system to support activities such as installation, invocation, and execution...of a SAS-based application." A client-server environment includes a network.).

Holler does not specifically disclose

- the program is an installation program usable to install a software application on a target processing system.

However, Yeung discloses

- the program is an installation program usable to install a software application on a target processing system.([0007], for example, lines 3-5, "...RPM packages...MSI packages..."where MSI is a standardized format; lines 14-17, "...the installation packages...and utilized them to install the software...", [0036], for example, lines 32-33, "These files are transmitted in a streaming manner, rather than on a file-by-file basis...", where Yeung et al. discloses streaming installation program over a network to

Art Unit: 2191

install software to a target system. Since the installation program is capable of streaming, there exists a conversion method converting the installation program from the first format to the second format. [0037], "...process is initiated to cause the software to installed and executed...").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Yeung into the teachings of Holler to include the limitation disclosed by Yeung. The modification would be obvious to one of ordinary skill in the art to want to expedite support of software update by streaming installation program compatible with a standardized format ([0002], "...update this software..."; [0036], "These criteria can include the size of the file....").

As per claim 2,

the rejection of claim 1 is incorporated;

Holler/Yeung discloses

- the converted installation program is usable in a streaming mode to create user-specific information on the target processing system, the user-specific information for subsequent used by the software application when the software application is executed on the target processing system in the streaming mode (Holler -- [0545], "1. The streamed application installation procedure..."; [0548], "c. Client does not have to wait for the entire application to be downloaded...important to users with slow network connections"; since the installation appears to consider

Art Unit: 2191

users' network connection, user-specific information must be created in order to facilitate such streaming over a network; [0157] and Yeung discloses installation program for streaming. ).

As per claim 7, the rejection of claim 1 is incorporated;

Holler discloses

- the converted installation program includes a dummy installation image and application information, wherein the dummy installation includes one or more dummy files, each of which corresponds to a respective actual files of the software application ([0298], "Each file included in a Streamed Application Set 2520 is assigned a file number that identifies it within the SAS" where the file number identifies the corresponding dummy file. A dummy file is interpreted as a representation of a file. Under this interpretation, a file number corresponds to a dummy file, and SAS corresponds to the image that includes the created dummy files.[0518], "application information as specified by AIB..."; [0564], Application Install Block(AIB); [0330], "ApplinstallBlock in the SAS..." SAS includes AIB which in turn includes application information.)

As per claim 5, the rejection of claim 1 is incorporated;

Holler/Yeung discloses

Art Unit: 2191

- the computer system transmitting portions of the converted installation program to the target processing system; wherein said transmitting causes the target processing system to execute the converted installation program on the target processing system using only portions of the converted installation program that have been transmitted. (continuing from rejection of claim 1, a streamed installation program enable using portions of an installation program, [0086],  
"The Stream Enabled Application Install Block is used to install a SAS-based application on a client system...The Stream Enabled Application Install Block is the first set of data to be streamed from the server to the client...the information needed by the client to prepare for the streaming and execution of the application"; [0157]);.

As per claim 6, the rejection of claim 1 is incorporated;

Holler et al. disclose,

- the computer system, prior to streaming the converted installation program, packaging the installation program into a form which facilitates streaming of the installation program ([0080], line 5-6, "...the application is converted into a form suitable for streaming over the network."; [0086], "The Stream Enabled Application Install Block is used to install a SAS-based application on a client system...The Stream

Art Unit: 2191

Enabled Application Install Block is the first set of data to be streamed from the server to the client...";).

As per claim 8, it essentially recites limitations of claim 1, and is rejected for reasons set forth in the rejection of claim 1. Streaming of a program sends/receives portions of a program and is collectively less than the entirety of the program.

As per claim 9, it essentially recites limitations of claim 7, and is rejected for reasons set forth in the rejection of claim 7.

As per claims 10, 22 and 34, they essentially recite limitations of claim 1, and are rejected for reasons set forth in the rejection of claim 1. Yeung additionally discloses standardized format for the installation program ([0007]).

As per claim 11, it essentially recites limitations of claim 2, and is rejected for reasons set forth in the rejection of claim 2.

As per claim 13, it essentially recites limitations of claim 7, and is rejected for reasons set forth in the rejection of claim 7.



Art Unit: 2191

As per claim 14,

Holler discloses

- a computer system identifying all of the plurality of files in the package ([0327], "...reads all the file data...by the application installer"; [0298], "Each file included in a Streamed Application Set 2520 is assigned a file number that identifies it within the SAS"), wherein the package is in a first format that does not permit streaming of the software application ([0080], "...the application is converted into a form suitable for streaming...");
- the computer system classifying each of the plurality of files according to a file type of that file ([0301], "...separates the list of files into regular streamed files and the spool files..." where such separation is considered classifying.);
- the computer system creating a dummy file for each of at least one of the plurality of files; the computer system creating an image that includes the created dummy files ([0298], "Each file included in a Streamed Application Set 2520 is assigned a file number that identifies it within the SAS" where the file number identifies the corresponding dummy file. A dummy file is interpreted as a representation of a file. Under this interpretation, a file number corresponds to a dummy file, and SAS corresponds to the image that includes the created dummy files.); and

Art Unit: 2191

- the computer system creating an package from the dummy image, wherein said created package being in a second form that permits streaming of the software application and is executed on a target system in a streaming mode (see above explanation).

Holler does not specifically disclose

- the package is an installation package usable to install a software application on a target processing system and associated dummy file, image are installation dummy file and installation image.

However, Yeung discloses

- the package is an installation package usable to install a software application on a target processing system and associated dummy file, image are installation dummy file and installation image. ([0007], for example, lines 3-5, "...RPM packages...MSI packages..."where MSI is a standardized format; lines 14-17, "...the installation packages...and utilized them to install the software...", [0036], for example, lines 32-33, "These files are transmitted in a streaming manner, rather than on a file-by-file basis...", where Yeung et al. discloses streaming installation program over a network to install software to a target system. Since the installation program is capable of streaming, there exists a conversion method converting the installation program from the first format to the second format. [0037], "...process is initiated to cause the software to installed and executed...").

Art Unit: 2191

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Yeung into the teachings of Holler to include the limitation disclosed by Yeung. The modification would be obvious to one of ordinary skill in the art to want to expedite support of software update by streaming installation package ([0002], "...update this software..."; [0036], "These criteria can include the size of the file....").

As per claim 15, the rejection of claim 14 is incorporated; further Holler et al. disclose

- the created installation package conforms to an installation standard ([0283], last two lines, "On Windows 2000, for example, the Installer Service is called "msi.exe.").

As per claim 16, it essentially recites limitations of claim 7, and is rejected for reasons set forth in the rejection of claim 7.

As per claim 17, the rejection of claim 14 is incorporated; further Holler/Yeung discloses

- the created installation package is configured to be streamed to a target system to configure the target system for execution of a software application in a streaming mode (Holler, [0545], "1. The streamed application installation procedure..."; [0548], "c. Client does not have to wait for the entire application to be downloaded..."; [0157]; where Yeung discloses installation program to be streamed. ).

Art Unit: 2191

As per claim 23, it essentially recites limitations of claim 2, and is rejected for reasons set forth in the rejection of claim 2.

As per claim 24, it essentially recites limitations of claim 7, and is rejected for reasons set forth in the rejection of claim 7.

As per claim 25.

The rejection of claim 1 is incorporated;

Further Yeung et al. disclose

- wherein the first and second formats are compatible with a standardized installation format([0007], line 5, "...MSI packages..." where MSI is considered a standardized format.).

As per claim 26,

The rejection of claim 25 is incorporated;

Further Yeung et al. disclose

- wherein the standardized installation format is an MSI format([0007], line 5, "...MSI packages...").

As per claim 27,

The rejection of claim 8 is incorporated;

Yeung et al. disclose

Art Unit: 2191

- wherein the installation program is compatible with a standardized installation format.[0007], line 5, "...MSI packages..." where MSI is considered a standardized format.).

As per claim 28,

The rejection of claim 27 is incorporated;

Yeung et al. disclose

- wherein the standardized installation format is an MSI format ([0007], line 5, "...MSI packages...").

As per claim 29.

The rejection of claim 14 is incorporated;

Further Yeung et al. disclose

- wherein the installation format is a standardized installation format ([0007], line 5, "...MSI packages...").

As per claim 30,

The rejection of claim 29 is incorporated;

Further Yeung et al. disclose

- wherein the standardized installation format is an MSI format ([0007], line 5, "...MSI packages...").

As per claim 33,

The rejection of claim 22 is incorporated;

Art Unit: 2191

Further Yeung et al. disclose

- wherein the standardized installation format is an MSI format ([0007], line 5, "...MSI packages...").

As per claim 35,

The rejection of claim 34 is incorporated;

Yeung et al. disclose

- wherein the standardized installation format is an MSI format ([0007], line 5, "...MSI packages...").

### ***Response to Arguments***

10. The Applicant has amended the claims to overcome the 35 USC §112 rejections in the previous office action. However the amended claims are not in condition for allowance. Based on the examiner's search results, the examiner has contacted the Applicant on July 28, 2009 and offered the Applicant an opportunity to amend the claims to put the application in condition for allowance. The examiner has proposed amending the claims to overcome the 35 USC §112 rejections in this office action and including the limitation of claim 3 to all independent claims. The Applicant has turned down the offer and asked for a new office action. This application has been under prosecution for a period of time. Other than the determination of patentability of the claimed invention, the examiner would suggest applicant further amending the claims to clearly represent the invention. Specifically, the terms used in the claim language sometimes cause various directions of interpretations. For example, the claim language uses the

Art Unit: 2191

term "installation program" to refer to "installation package". The amended claims appear to be related to converting an installation program (package) from a first format to a second format so it can be streamed. It appears that conversion is for the purpose of streaming an installation program so the installation program can be used to install a software application. The installation of an installation package results in the software application. The software application is not available until it is installed. Therefore, the software application can not be streamed until after the installation program is installed. Then the claim language (for example -- claims 1) uses the phrase of "streaming of the software application" that appears to contradict with the condition that the software application is not available until it is installed. The examiner would like to suggest clarifying terms used in the specification and claims to clearly define the invention.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2191

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Wang whose telephone number is 571-272-5934. The examiner can normally be reached on Mon - Fri 8:00AM - 4:00PM. Any inquiry of general nature or relating to the status of this application should be directed to the TC2100 Group receptionist: 571-272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip R. Wang/ 7/30/2009



Art Unit: 2191